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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,726	04/12/2001	Paul D. Howey	00-196-C	5500

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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,726

Applicant(s)

HOWEY ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 are objected because a single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. This type of claim is indefinite because it fails to positively recite the boundaries sought for protection. The metes and bounds of the claim cannot be determined because it is unclear as to which category of subject matter sought or protection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Egendorf et al (USP Application No. 2003/0177111 A1).

As per claim 1, Egendorf discloses a program on a computer of a user for initiating a process, where the computer is connected to a computer network, the process comprising:

- generating a search box (fig. 13, element B);
- receiving an entry word in the search box (fig. 13, <http://www.alpha.com...>);
- interpreting (interpretation, ¶ 0078) the entry word to arrive at a key word (search request is transformed into an inquiry capable of searching the searchbase, see abstract);

- determining a pre-established association between the key word (the query information is contained in a descriptive packet associated with the information source, and is contained in a database referred to as searchbase, ¶ 0055) and an item on the computer network (fig 1, information source 11A...11N); and

- providing the item to the computer of the user (a mechanism for using data retrieved from the searchbase to query relevant information sources and retrieve the relevant answers to the query and presenting the retrieved information to the user who made the search request, ¶ 0059).

As per claim 2, Egendorf teaches the computer network is the Internet (fig. 1, element 30), and the item is a link to a specific page of a vendor (¶ 0041, ¶ 0056-0057).

As per claim 3, Egendorf teaches wherein the program launches an Internet browser to provide the item to the user (§ 0087-0089).

As per claim 4, Egendorf teaches wherein the search box is generated on a web site of the vendor (fig. 12A).

As per claim 5, Egendorf teaches the step of interpreting the entry word when determining the pre-established association (§ 0078).

As per claim 6, Egendorf teaches wherein the step of interpreting the entry word includes searching for a synonym of the entry word ("synonym analysis") (§ 0042).

As per claim 7, Egendorf teaches wherein the step of interpreting the entry word includes changing the spacing between characters of the entry word ("space analysis") (§ 0076).

As per claim 8, Egendorf teaches wherein an entry word may be expressed as a slang term and the step of interpreting the entry word includes analysis translating a slang entry word into a standard language term ("slang analysis") (§ 0075).

As per claim 9, Egendorf teaches wherein different entry words may have the same meaning and such entry words result in the same item being provided to the computer of the user (continuity analysis") (§ 0042, 0038).

As per claim 10, Egendorf teaches the step of making a determination of what items are ultimately chosen by users that have entered a particular entry word and wherein the pre-established association is adjusted according to the determination ("trend analysis") (§ 0181).

Claim 11 has similar limitations as claims 6-10; therefore, it is rejected under the same subject matter.

Claim 12 is rejected by the same rationale as state in independent claim 1 arguments.

Claims 13-22 have similar limitations as claims 2-11; therefore, it is rejected under the same subject matter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le

May 19, 2004.



GRETA ROBINSON  
PRIMARY EXAMINER